IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 309 of 1996

For Approval and Signature: sd/-

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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JIVANBHAI MAGANBHAI KUKANI

Versus

BHIKHABHAI DAYALBHAI KANANI

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Appearance:

1. Appeal from Order No. 309 of 1996

MR SANJAY M AMIN for Petitioner No. 1

MR DN PATEL for Respondent No. 1

NOTICE SERVED for Respondent No. 1

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CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 18/10/2001

ORAL JUDGEMENT

1. Against the impugned order passed by the learned trial Judge the present Appeal is filed by the original

defendant which is admitted long back. Along with the Appeal the appellant has filed Civil Application No.5221 of 1996. While entertaining the same this Court has granted order of status-quo which is in operation till today.

2. Considering the facts and circumstances of the case both the learned Counsel for the parties jointly submitted that the trial Court be directed to dispose of the Special Civil Suit No.61 of 1996 as early as possible and till then the order of status-quo granted earlier by this Court on Civil Application be continued. The request seems to be genuine, therefore, granted.

3. Accordingly this Appeal is disposed of without going into the legality and validity of the impugned order passed by the trial Court with direction to the learned trial Judge to decide the Special Civil Suit No.61 of 1996 as early as possible and not later than 31st December 2002. The parties shall fully cooperate with the final disposal of the Suit before the trial Court. Till then the status-quo order granted earlier shall continue.

Civil Application No.5221 of 1996 is also disposed of, if it is not disposed of so far, in terms of the order passed in main Appeal.

sd/-

Date : October 18, 2001 (B.J.Shethna, J.)

*sas*